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Washington, Tuesday, August 6, 1940

The President

EXECUTIVE ORDER

TRANSFERRING THE FORT HOWARD MILITARY RESERVATION, MARYLAND, TO THE CONTROL AND JURISDICTION OF THE VETERANS ADMINISTRATION

By virtue of and pursuant to the authority vested in me by the Act of Congress approved March 3, 1925 (43 Stat. 1212), it is hereby ordered that the Fort Howard Military Reservation, as it now exists, situate on North Point, in the County of Baltimore, State of Maryland, containing a total area of 155.637 acres, more or less, be, and it is hereby, transferred from the control and jurisdiction of the War Department to the control and jurisdiction of the Veterans Administration: *Provided, however,* That the War Department shall continue its present occupancy of the Fort Howard Military Reservation until such time as additional facilities now being constructed at the Arlington Cantonment, Virginia, are ready for military use.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
2 August, 1940.

[No. 8501]

[F. R. Doc. 40-3222; Filed, August 3, 1940; 12:22 p. m.]

Rules, Regulations, Orders

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50203]

IMPORT TAXES

EXPIRATION DATE IN INTERNAL REVENUE CODE, SECTION 3452, RELATIVE TO CERTAIN IMPORT TAXES, CHANGED TO JUNE 30, 1945, AND ALL PERTINENT CUSTOMS REGULATIONS EXTENDED

Section 209 of the Revenue Act of 1940 (Public, No. 656, 76th Congress) amends section 3452 of the Internal Revenue Code, as amended, by striking out "1941"

wherever appearing therein and inserting in lieu thereof "1945".

Pursuant to the authority contained in section 251 of the Revised Statutes (U.S.C. title 19, sec. 66), section 624 of the Tariff Act of 1930 (U.S.C. title 19, sec. 1624), and section 3431 of the Internal Revenue Code, and in accordance with section 209 of the Revenue Act of 1940, all pertinent customs regulations are hereby extended to govern the assessment and collection of the import taxes authorized by I.R.C., Sec. 3420 for the period from July 1, 1941, to June 30, 1945, inclusive.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
Approved, July 31, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3218; Filed, August 3, 1940; 12:15 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER V—CONSUMERS' COUNSEL DIVISION: INTERIOR

PART 501—COMPLAINTS

By virtue of the authority vested in the Director, Consumers' Counsel Division, by the Bituminous Coal Act of 1937 (15 U. S. C. 828, et seq.; 50 Stat. 72 et seq.); Reorganization Plan No. II; and Order No. 1400 of the Secretary of the Interior, dated July 7, 1939, and in order to carry out the powers and duties vested in him, the following regulations are hereby prescribed and promulgated:

§ 501.1 *Purposes of complaints.* The Director of the Consumers' Counsel Division will receive complaints requesting him to appear in or initiate pursuant to the Bituminous Coal Act of 1937, proceedings before the Bituminous Coal Division or the Interstate Commerce Commission in behalf of the bituminous coal consuming public.

Complaints may ask, without limitation, such action seeking: (a) the establishment or modification by the Bituminous Coal Division of any minimum or maximum price or marketing rule or

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regulation; (b) appropriate steps to correct, insofar as the statute permits (1) coal prices which are excessive or oppressive of consumers or (2) the activities of any producers' district board or marketing agency which may be operating against the public interest or in violation of the Act; or (c) appropriate orders of the Interstate Commerce Commission with respect to rates, charges, tariffs or practices relating to the transportation of coal.

§ 501.2 *Who may file complaints.* Complaints may be made by any consumer of bituminous coal, any organization of bituminous coal consumers, any state or political subdivision thereof, or any person who, because he is engaged in the marketing of bituminous coal to consumers thereof or for any other reason, has special knowledge of the conditions affecting the interests of bituminous coal consumers upon which the complaint is based.

§ 501.3 *Form of complaints.* All complaints shall be addressed to the Director of the Consumers' Counsel Division, P. O. Box 483, Benjamin Franklin Station, Washington, D. C. Where appropriate official forms have been made available, complaints shall be submitted thereon. Appropriate forms are now available for complaints requesting modification of established minimum prices (a) for use by consumers customarily buying carload quantities, (b) for use by consumers customarily buying in less than carload quantities, and (c) for use by retailers of coal. Copies of these forms may be obtained upon request addressed to the Director of the Consumers' Counsel Division. Com-

plaints for which forms are not available may be made by letter addressed to the Director, setting forth all the material facts.

§ 501.4 *Contents of complaints.* Complaints shall contain a full statement of the facts on which the request for action by the Director of the Consumers' Counsel Division is based, sufficient facts about the person filing said complaint to identify him fully, a full statement of the action requested to be taken by the Director of the Consumers' Counsel Division, and, insofar as may be possible, a justification thereof under the Bituminous Coal Act of 1937.

§ 501.5 *Disposition of complaints.* Upon receipt of any complaint, the Consumers' Counsel Division shall consider the facts alleged therein and make such further investigation thereof as shall be necessary or proper to assist the Director in determining whether or not the action requested therein shall be taken. Such investigation may be made by correspondence with the complainant or otherwise. If the complainant shall fail or refuse to submit any such requested information as shall be necessary to the determination by the Director, the complaint may be dismissed without further consideration. When any complaint is submitted to the Director he will determine in his discretion whether or not the action requested or any other action pursuant thereto shall be taken and advise the complainant thereof. The determinations of the Director will be guided primarily by a consideration of the interests of the consuming public as a whole.

§ 501.6 *Other rights of consumers.* Neither these regulations nor any complaint filed thereunder shall be deemed to affect in any way any other rights of a consumer, including any right he may have to proceed in his own behalf before the Bituminous Coal Division or the Interstate Commerce Commission nor the right of the Director of the Consumers' Counsel Division on his own motion to take any action pursuant to the authority conferred upon him by law.

FREDERIC L. KIRGIS,
Director.

AUGUST 2, 1940.

[F. R. Doc. 40-3221; Filed, August 3, 1940; 12:22 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 156—GENERAL LICENSE No. 26
UNDER EXECUTIVE ORDER No. 8389,
APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO
RELATING TO TRANSACTIONS IN FOREIGN
EXCHANGE, ETC.

A general license is hereby granted under section 13A (2) of Executive Order No. 8389, of April 10, 1940, as amended, authorizing the acquisition by,

or transfer to, any person within the United States of any interest in any American Depositary Receipt or American Share physically situated within the United States representing any security or evidence thereof not physically situated within the United States which Receipt or Share was admitted to dealings on a national securities exchange on and prior to July 25, 1940: *Provided, however,* That this general license shall not be deemed to authorize the issuance of American Depositary Receipts or American Shares against the deposit after July 25, 1940 of any security or evidence thereof not physically situated within the United States; and, provided that this general license shall not be deemed to authorize any transaction prohibited by reason of any provision (or ruling or regulation thereunder) of such Order other than section 13A (2)*

[SEAL]

D. W. BELL,

Acting Secretary of the Treasury.

AUGUST 2, 1940.

[F. R. Doc. 40-3220; Filed, August 3, 1940; 12:16 p. m.]

CHAPTER II—BUREAU OF ACCOUNTS

[1940, Third Supplement to Department Circular No. 570, Revised April 5, 1940]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

AUGUST 2, 1940.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U. S. Code, title 6, secs. 6-13) as an acceptable surety on Federal bonds. An underwriting limitation of \$114,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Name of company, location of principal executive office and State in which incorporated

Pennsylvania

American Casualty Company of Reading, Pennsylvania,

[SEAL]

D. W. BELL,

Acting Secretary of the Treasury.

[F. R. Doc. 40-3229; Filed, August 5, 1940; 11:31 a. m.]

* Part 156; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; E.O. 8493, July 25, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, and July 15, 1940.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS¹

§ 203.562 *Tensas River, La.; Missouri Pacific Railroad bridge at Clayton, La.* Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following special regulations are prescribed to govern the operation of the Missouri Pacific Railroad bridge across Tensas River at Clayton, Louisiana.

(a) The owner or agency controlling the aforementioned bridge will not be required to keep a draw tender in attendance at said bridge from May 1 to December 31, excepting during high-water periods when so directed by the United States District Engineer.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the drawspan, at least 12 hours advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after July 22, 1940, and are supplemental to the rules and regulations to govern the operation of the drawbridges crossing the Mississippi River and all its navigable tributaries and outlets. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special Regs., July 19, 1940 (E. D. 6371 (Mo. Pac. R. R. Co. Tensas R.-Clayton) 3/8)]

[SEAL]

E. S. ADAMS,

Major General,

The Adjutant General.

[F. R. Doc. 40-3210; Filed, August 2, 1940; 4:02 p. m.]

PART 204—DANGER ZONE REGULATIONS²§ 204.50 *Potomac River.*¹ § 203.562 is added.² § 204.50 is supplemented.

(c) *United States Naval Torpedo Testing Range; Piney Point to Point Lookout, Md.*

THE DANGER ZONE

(1) The torpedo testing range, which constitutes a danger zone, is defined as follows:

Bounded on the north by a line from Piney Point Light to the (I QK FL R) bell buoy at the southeastern tip of St. Georges Bar, thence to Point Lookout Light; bounded on the east by a line from Point Lookout Light to buoy S "16W"; bounded on the south by a line from buoy S "16W", through buoys S "16W", S "17W", S "18W", S "18AW" to "18BW"; and bounded on the west by a line from buoy S "18BW" to Piney Point Light.

THE REGULATIONS

(2) (i) Between the hours of 7:00 a. m. and 4:00 p. m. on all days except Sundays and legal holidays, and at other times and on other days when the range is being operated, no vessel shall enter into or pass through the area above defined and established if specifically forbidden to do so by the officer in charge of the Piney Point Torpedo Range or his duly accredited representative. Passage of traffic in this area will not be unreasonably interfered with or restricted.

(ii) Between the hours of 7:00 a. m. and 4:00 p. m. on all days except Sundays and legal holidays, and at other times and on other days when the range is being operated, all vessels are forbidden to anchor within the area defined except in cases of great emergency. Any vessel anchoring under circumstances of great emergency shall move away as soon as the emergency permits.

(iii) Any vessel upon being notified by proper authority to shift its position or course must change position or course as directed with reasonable promptness.

(iv) During periods when the range is in operation any vessels in danger or any vessels interfering with operations will be met by representatives of the officer in charge, suitably warned and given necessary instructions and orders relative to navigating the zone. The torpedo testing barge will fly "International B" at a yard arm when testing operations are in progress. Government vessels, seaplanes or other craft patrolling the zone will fly or expose a red flag.

(v) Vessels in passage up or down the Potomac River in the danger area shall keep to the south part of the channel insofar as practicable.

(vi) The speed of vessels passing within 1,000 yards of the torpedo testing barge during testing operations shall be not in excess of ten knots.

(vii) Nothing in these rules shall prevent the setting of fish traps within the area, under permits granted by the War Department, nor shall the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

(viii) These regulations shall be enforced by the Commandant of the Navy Yard, Washington, D. C., or such responsible agent as he may designate, including always the Commanding Officer of the Range Patrol, using all such agencies as Government vessels, seaplanes and other suitable equipment as may be necessary. (Chapter XIX, Army Act, July 9, 1918, 40 Stat. 892; 33 U.S.C. 3) [Regs., July 19, 1940 (E.D. 7005 (Potomac River) 19/9)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3209; Filed, August 2, 1940;
4:02 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 45]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

AMENDMENT

AUGUST 5, 1940.

Section 1.1, *Customs ports authorized to issue marine documents*, is amended by the deletion of the word "Hyder" under the heading "Alaska (31)".

[R.S. 161, 5 U.S.C. 22; Secs. 2 and 3 of the Act of July 5, 1884, 23 Stat. 118, 46 U.S.C. 2 and 3]

[SEAL] SOUTH TRIMBLE, JR.,
Acting Secretary of Commerce.

[F. R. Doc. 40-3228; Filed, August 5, 1940;
10:42 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SPECIAL INSTRUCTIONS GOVERNING PROCEEDINGS UNDER MOTOR CARRIER ACT OF 1935, REVISED, SUPPLEMENTED AND CORRECTED

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1940.

Sections 17 of the Interstate Commerce Act, Part I, as amended, U. S. Code, t. 49, sec. 17, and 201 to 227, both inclusive, of the Motor Carrier Act, 1935, as amended, U. S. Code, t. 49, secs. 301 to 327, both inclusive, being under consideration.

Ordered, That the special instructions governing proceedings under the Motor Carrier Act, 1935,¹ dated May 10, 1937, as revised, supplemented, and corrected by order of May 31, 1938, be further re-

vised, supplemented, and corrected by adding thereto the following additional paragraphs, namely:

12. (a) The Commission's field staff, when making a preliminary investigation as to the need and the time and place for a formal hearing, will question applicant as to his actual intentions with respect to the scope of the application. If it appears that the applicant actually desires authority to operate in not more than three States, and the applicant will not modify the application accordingly, the field report shall be submitted to Division Five for determination as to whether or not the application shall be referred to a joint board instead of an examiner in the first instance.

(b) State commissions will be requested to examine all applications filed with them and to advise the Commission of the facts concerning any application in which they have reason to believe that additional States were named for the purpose of avoiding a statutory hearing before a joint board.

(c) On the application, together with all the facts and circumstances reported by the field force and the representations made by the State commissions, Division Five will decide whether the application should be set for hearing before a Commissioner, an examiner, or a joint board, and enter an order accordingly.

(d) After an application has been heard by a Commissioner or an examiner, the Commissioner or examiner will report to the Commission whether, in his opinion, the case should have been heard by a joint board, giving his reasons therefor. After such hearing any State commission may file with the Commission its request that the case be referred back to a joint board, giving its reasons therefor. Thereupon, the Commission will determine whether the matter is one which should be referred to a joint board for further appropriate proceedings, and, if it is determined that it should be so referred, an appropriate order will be issued.

13. If after a hearing before a Commissioner or examiner the application upon which such hearing was held shall thereafter be referred to a joint board, in the manner provided in instruction No. 12, whatever evidence was taken before the Commissioner or examiner may be considered as if taken before the joint board; but the joint board may receive further evidence, and otherwise shall proceed as if such application had been referred to such joint board in the first instance.

It is further ordered, That the form of verification to Form BMC 8 and other forms of applications for a certificate, permit, or license under the Motor Carrier Act, 1935, heretofore prescribed, be amended by adding to the oath verify-

ing the application the following additional statement:

"Affiant further says that the applicant makes this application intending in good faith to present evidence which the applicant believes will support the application as to each of the States within which authority to operate is sought herein."

It is further ordered, That the foregoing modifications shall become effective forthwith.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3217; Filed, August 3, 1940;
10:14 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T.D. 50204]

WOOL FELT HAT BODIES

LIQUIDATION OF ENTRIES INVOLVED IN PROTEST FILED UNDER THE PROVISIONS OF SECTION 516, TARIFF ACT OF 1930; T.D. 48564 REVOKED

Reference is made to T.D. 48564,¹ dated October 3, 1936, ordering the suspension, pending the decision of the United States Customs Court upon the protest filed against the liquidation on August 20, 1936, of New York entry No. 713784, of the liquidation at all ports of all unliquidated entries covering wool felt hat bodies of the character described in T.D. 48253, approved April 9, 1936, imported or withdrawn from warehouse after the expiration of 30 days after the publication of T.D. 48253.

The protest filed in this case was overruled by a decision rendered by the United States Court of Customs and Patent Appeals in a decision dated February 26, 1940, C.A.D. 105. A petition for a writ of certiorari in the United States Supreme Court to review the decision of the United States Court of Customs and Patent Appeals was denied on June 3, 1940, and no timely petition for a rehearing was filed.

In the circumstances, T.D. 48564 is hereby revoked and you are directed to liquidate all entries, the liquidation of which was suspended by its provisions.

M. R. JOHNSON
Commissioner of Customs.

Approved, July 31, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3219; Filed, August 3, 1940;
12:16 p. m.]

¹ 3 F.R. 1335.

¹ 1 F.R. 1565.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 15-A]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES IN RESPECT TO COALS FOR WHICH PRICE CLASSIFICATIONS WERE PROPOSED BY THE DISTRICT BOARDS SUBSEQUENT TO THE CLOSE OF THE HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE IN GENERAL DOCKET NO. 15

AN ORDER EXTENDING THE SCOPE OF THE HEARING HEREIN TO INCLUDE PROPOSED COORDINATED MINIMUM PRICES FOR COALS LISTED IN SCHEDULE B ANNEXED HERETO

The Bituminous Coal Division, United States Department of the Interior, by Order No. 292 dated April 12, 1940, directed the district boards to submit to the Director of the Division, proposed price classifications and minimum prices for each kind, quality and size of coal for which no price classification had theretofore been proposed.

By an Order herein, dated June 24, 1940,¹ it was provided that a hearing be held on July 15, 1940, in respect to supplemental proposals submitted by the district boards and in respect to proposed coordinated minimum prices listed in Schedule A which was annexed to and made part of that Order. That hearing was, pursuant to Order dated July 2, 1940, postponed and it is now, pursuant to Order dated July 20, 1940, set for the 20th day of August 1940, at 10:00 a. m., or as soon thereafter as may be convenient, at the Hearing Room of the Division, in the Washington Hotel, Washington, D. C.

In addition to the coals listed in Schedule A, annexed to the Order of June 24, 1940, there have been other proposed price classifications submitted by district boards for coals for which prices are not in the process of being established in General Docket No. 15. The Division herein proposes for the coals of code members covered by said additional proposed price classifications, coordinated minimum prices which for each district are expressed in the terms of the symbols and are to be read in conjunction with instructions, exceptions, minimum prices and other provisions contained in the Schedules of Recommended Minimum Prices for said district, and said coordinated minimum prices are annexed hereto and made a part hereof as Schedule B.²

It is appropriate that minimum prices should be established for coals listed in said Schedule B as soon as practicable and feasible.

It is, therefore, ordered, That at the hearing to be held herein on August 20, 1940, any interested party may present evidence in respect to Schedule B, to the

same extent and subject to the same limitations as if said Schedule B had been annexed to and made a part of the Order herein dated June 24, 1940: *Provided*, That any such interested party dissatisfied with any proposed coordinated minimum price shown in Schedule B shall have filed with the Director, at his office in Washington, D. C., on or before August 16, 1940, an original and twelve copies of a written protest, setting forth the reasons for dissatisfaction, together with a statement of the specific data and evidence to be presented at the hearing in support of said protest; and that a copy of such protest and statement shall have been mailed on or before August 16, 1940, to the district board for the district in which the mine in question is situated; and that such protestant shall be limited to the presentation of evidence and data specifically described in said statement; and

It is further ordered, That except as herein otherwise provided, the aforesaid Order of June 24, 1940, as modified by the Orders of July 2, 1940 and July 20, 1940, be and the same hereby is continued in full force and effect and made applicable to the proposed coordinated minimum prices listed in Schedule B.

Dated July 31, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-3211; Filed, August 2, 1940;
4:25 p. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DESIGNATION OF AREA UNDER COTTON STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following area is hereby designated as an area in which cotton order stamps may be used:

The area within the county limits of Los Angeles County, California, and such area adjacent thereto as may seem desirable to effectuate the program.

The posting of the definition of "and such area adjacent thereto" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The effective date for this area shall be announced by the local representative of the Surplus Marketing Administration in local newspapers of general circulation.

[SEAL]

PHILIP F. MCGUIRE,
Assistant Administrator.

Date, Aug. 2, 1940.

[F. R. Doc. 40-3213; Filed, August 3, 1940;
9:26 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF FINAL DETERMINATION DENYING CERTAIN APPLICATIONS FOR PARTIAL EXEMPTION OF THE QUARRYING OF DIMENSION STONE FROM SURFACE OR OPEN CUTS, AS A SEASONAL INDUSTRY

Whereas applications having been made by the Hall Grindstone Company and sundry other parties under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended by the Administrator thereunder, for partial exemption of the quarrying of dimension stone from surface or open cuts from the maximum hours provisions of section 7 (a) of said Act pursuant to section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a public hearing on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the quarrying of dimension stone from surface or open cuts or any subdivision thereof is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

"1. The excavating, hauling, and milling of grit grindstones from surface or open cuts in the Southern Ohio field, if considered as a single industry or branch of an industry, does not cease operation during the year, and, therefore, is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

"2. The excavating, or the excavating and hauling of grit grindstones from surface or open cuts in the Southern Ohio field takes place during a period too long in relation to the period of exemption afforded by section 7 (b) (3) of the Fair Labor Standards Act, to justify a finding that such operations, even if they constitute an industry or branch thereof, are of a seasonal nature, and, therefore, do not constitute an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder; and

"3. The quarrying and milling of slate in the Vermont-New York zone is admittedly not of a seasonal nature within the meaning of Regulations, Part 526; and

"4. The record is inconclusive on the existence or extent of any other branches, whether of a seasonal nature or not, of the dimension stone industry for which applications were filed.

¹ 5 F.R. 2393.

² Filed as a part of the original document.

"The applications of the Hall Grindstone Company and the Vermont-New York Slate Industry are denied.

"All other applications from employers in the dimension stone industry are denied without prejudice"; and

Whereas, said Findings and Determination were duly filed with the Administrator on January 17, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas, on January 23, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 264) a notice which stated that, pursuant to the provisions of § 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might, within fifteen days after January 23, 1940, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative; and

Whereas, a petition for review, a copy of which is on file in Room 5144, Department of Labor Building, Washington, D. C., and there available for examination by all interested parties, was duly filed by the Hall Grindstone Company; and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER on February 27, 1940 (5 F.R. 800), a notice granting the petition for review which stated that the Administrator, for the purpose of reviewing the aforementioned Findings and Determination, and to make a final determination of the questions set forth in the second paragraph of the notice, would receive briefs from interested parties either in support of or in opposition to the aforementioned Findings and Determination; and

Whereas, the Administrator has reviewed the record made before the presiding officer, his findings of fact and determination, and briefs and letters received from interested persons; and

Whereas, I, Philip B. Fleming, Administrator, have found that the aforesaid Findings of Fact and Determination of the presiding officer are correct.

Now, therefore, notice is hereby given that the decision of the presiding officer denying the application of the petitioner is affirmed.

Signed at Washington, D. C., this 25th day of July 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3214; Filed, August 3, 1940;
9:49 a. m.]

[Administrative Order No. 58]

APPOINTMENT OF SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938 as amended by Section 3 (c), (d), (e), and (f) of Public

Resolution No. 88, 76th Congress, Chapter 432—3rd Session, approved June 26, 1940, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public:

Msgr. Francis J. Haas, Chairman, Washington, D. C.

Dr. José M. Gallardo, San Juan, Puerto Rico.

Martin Travieso, San Juan, Puerto Rico.

For the Employees:

Sherman H. Dalrymple, Akron, Ohio.
David Dubinsky, New York, New York.
Prudencio Riviera Martinez, San Juan, Puerto Rico.

For the Employers:

Maria Louisa Arcelay, Mayaguez, Puerto Rico.

Herbert O. Bergdahl, New York, New York.

P. J. Rosaly, San Juan, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and rules and regulations promulgated thereunder shall meet at the call of its chairman and shall proceed to investigate conditions in the industries of Puerto Rico and recommend to the Administrator minimum wage rates for all employees in Puerto Rico who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14. Said special industry committee shall first proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the needlework industries, and shall thereafter investigate conditions respecting, and recommend minimum wage rates for, such other employees as the Administrator may direct or, in the absence of such direction, as the committee in its judgment shall determine.

Signed at Washington, D. C., this 1st day of August, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3215; Filed, August 3, 1940;
9:49 a. m.]

IN THE MATTER OF THE PARTIAL EXEMPTION OF THE MOVEMENT TO STORAGE AND THE RECEIVING INTO STORAGE OF ROUGH SOUTHERN RICE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas application has been filed by the Committee of the Louisiana Rice Industry for the exemption of the move-

ment to storage and the receiving into storage of rough Southern rice from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations issued thereunder; and

Whereas it appeared from said application and upon further investigation that:

(1) Southern rice is harvested in Louisiana, Texas, Arkansas, and other southern states commencing about September 15 each year and continuing until around December 1, and

(2) Such Southern rice is threshed immediately after harvesting and except for a negligible portion which is stored on the farm, it is at once delivered to mill warehouses and other warehouses for storage, to avoid deterioration from sun and rain, and

(3) Amounts substantially in excess of 50 percent of the total annual receipts of such Southern rice are moved to storage and received into storage at mill warehouses and other warehouses during the harvesting season of approximately ten weeks; and

Whereas on July 13, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 2553) a notice which set forth the foregoing and which stated that upon consideration of the facts stated in the said application, and upon further investigation the Administrator thereby determined, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case had been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations, to the movement to storage and the receiving into storage of rough Southern rice as an industry of a seasonal nature, and which notice stated further that if no objection and request for hearing was received within fifteen days thereafter the Administrator would make a finding upon the *prima facie* case shown upon the application; and

Whereas no objection and request for hearing was received within fifteen days thereafter;

Now, therefore, pursuant to § 526.5 (b) (ii) of the Regulations as amended, the Administrator hereby finds upon the *prima facie* case shown in the said application that the movement to storage and the receiving into storage of rough Southern rice is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Regulations issued thereunder, and therefore it is entitled to the exemption provided in section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 1st day of August, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3216; Filed, August 3, 1940;
9:49 a. m.]

[Administrative Order No. 59]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 14 FOR THE CONVERTED PAPER PRODUCTS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Ferdinand R. White from Industry Committee No. 14 for the Converted Paper Products Industry¹ and do appoint in his stead as representative for the employers on such Committee, Mr. Merritt J. Davis of Wellsburg, West Virginia.

Signed at Washington, D. C., this 5th day of August, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3237; Filed, August 5, 1940; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective August 6, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531); as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

¹ 5 F.R. 2581.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full Fashioned; 10 learners; September 18, 1940.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full Fashioned; 10 learners; September 18, 1940.

Charming Frocks, 1307 Washington Avenue, St. Louis, Missouri; Apparel; Dresses; 2 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

J. H. Stern Garment Company, Seven Valleys, Pennsylvania; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Jolly Kids Garment Mfg. Co., Belding, Michigan; Apparel; Cotton Garments for Infants & Children; 15 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Malouf Manufacturing Company, 146 South West Temple Street, Salt Lake City, Utah; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Chas. H. Levy Co., Inc. 142 Chartres Street, New Orleans, Louisiana; Apparel; Neckwear; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Chatham Manufacturing Co., Inc., Brookside Avenue, Chatham, New York; Apparel; Children's Outerwear; 20 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Cohoes Silk Undergarment Co., 31 Ontario Street, Cohoes, New York; Apparel; Pajamas, Nightgowns & Slips; 20 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

Jay Gee Manufacturing Co., 217 South Fifth Street, Perkasee, Pennsylvania; Apparel; Sportswear and Play Apparel; 20 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

Kops Brothers, Inc., 100-02 Rockaway Boulevard, Ozone Park, Long Island, New York; Apparel; Corsets, Combinations, & Brassieres; 5 percent (75% of the applicable hourly minimum wage); October 24, 1940.

Nancy Ellen Frocks, Inc., Camden, Maine; Apparel; Children's Dresses; 10 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Ratner Manufacturing Company, 533 F Street, San Diego, California; Apparel; Sport Jackets, Navy Uniforms, Caps, Trousers; 3 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Westboro Underwear Company, 50 Milk Street, Westboro, Massachusetts; Apparel; Sleeping Garments, House-

coats; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Kingston Knitting Mills, Inc., Kingston, New York; Knitted Wear; Sweaters; 5 learners; October 24, 1940.

Cotton Specialty Company, 702 North Halsted Street, Chicago, Illinois; Textile; Cotton mop heads, rovings, wetting cords; 5 learners; October 24, 1940.

Sellers Manufacturing Company, Cedar Falls, North Carolina; Textile Cotton Spinning, corded yarns, and combed yarns; 13 learners; October 24, 1940.

Sellers Manufacturing Company, Sexapahaw, North Carolina; Textile; Cotton Yarns, mercerized yarns and silk yarns; 3 percent; October 24, 1940.

Hart Cotton Mills, Inc., 108 Office Street, Tarboro, North Carolina; Textile; Print Cloth; 3 percent; October 24, 1940.

Burk-Sons Glove Mfg., Co., Inc., Brooklyn, New York; Gloves; Leather Dress Gloves and Knit Fabric Gloves; 5 percent; October 24, 1940.

Milwaukee Glove Company, Milwaukee, Wisconsin; Glove; Leather Dress Gloves and Work Gloves; 3 learners; October 24, 1940.

Jasper Glove Company, Inc., Jasper, Indiana; Glove; Work Gloves; 5 learners; October 24, 1940.

Signed at Washington, D. C., this 5th day of August 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3235; Filed, August 5, 1940; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued pursuant to Section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended, (4 F.R. 4226), to the employers listed below effective August 6, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Raeford Novelty & Table Company, Main Street, Raeford, North Carolina; Novelty Furniture; 6 learners; 8 weeks for any one learner; 25¢ per hour; wood-working machine operators, finishers or painters; October 29, 1940.

Raeford Novelty & Table Company, Main Street, Raeford, North Carolina; Novelty Furniture; 2 learners; 4 weeks for any one learner; 25¢ per hour; assemblers; September 17, 1940.

Signed at Washington, D. C., this 5th day of August 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3236; Filed, August 5, 1940;
11:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 71-A]

TIME EXTENDED FOR FILING OF INTERNATIONAL TELEGRAPH STATISTICS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of July 1940,

The Commission having under consideration its Order No. 71 calling upon common carriers subject to the Communications Act, engaged in international telegraph communications, to file with the Commission not later than September 15, 1940 certain international telegraph traffic statistics,

It is ordered, That the time within which responses to Order No. 71 must be filed with the Commission be, and it is hereby, extended until November 15, 1940: *Provided, however,* That in all other respects the responses to that order shall be filed in accordance with the provisions thereof.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3208; Filed, August 2, 1940;
12:05 p. m.]

[Docket No. 5780]

IN RE APPLICATION OF BROADCASTING CORPORATION OF AMERICA (NEW)

Dated April 17, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Riverside, California; operating assignment specified: Frequency, 1390 kc.; power, 1 kw.; hours of operation, unlimited

[File No. B5-P-2296]

AMENDED NOTICE OF HEARING

Upon further examination of the above described application the Com-

No. 152—2

mission has amended the issues on which the hearing¹ will be based, as follows:

1. To determine the legal, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service, technical and program, which the applicant may reasonably be expected to render.

3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with stations as proposed in the applications of Riverside Broadcasting Company (B5-P-2648), and KUJ, Inc., (B5-P-2610), or either of them.

4. To determine whether public interest, convenience and necessity will be served by the granting of this application, the application of Riverside Broadcasting Company, and the application of Mellin Investment Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasting Corporation of America,
Evans Building,
Riverside, California.

Dated at Washington, D. C., August 2, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3225; Filed, August 5, 1940;
10:39 a. m.]

[Docket No. 5888]

IN RE APPLICATION OF MOLLIN INVESTMENT CO. (NEW)

Dated September 13, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Riverside, California; operating assignment specified: Frequency, 1390 kc.; power 500 w. day; hours of operation, daytime

[File No. B5-P-2464]

AMENDED NOTICE OF HEARING

Upon further examination of the above described application the Commis-

¹ 5 F.R. 2655.

sion has amended the issues on which the hearing¹ will be based as follows:

1. To determine the legal, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service, technical and program, which the applicant may reasonably be expected to render.

3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with the station as proposed in the application of Riverside Broadcasting Company (B5-P-2648).

4. To determine whether public interest, convenience and necessity will be served by the granting of this application, the application of Broadcasting Corporation of America, and the application of Riverside Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mollin Investment Company,
2699 East Florence Avenue,
Huntington Park, California.

Dated at Washington, D. C., August 2, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3226; Filed, August 5, 1940;
10:39 a. m.]

[Docket No. 5890]

IN RE APPLICATION OF RIVERSIDE BROADCASTING CO. (NEW)

Dated November 7, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Riverside, California; operating assignment specified: Frequency, 1420 kc.; power, 250 w.; hours of operation, unlimited

[File No. B5-P-2648]

NOTICE OF HEARING

The Commission, upon further consideration of its action of July 16, 1940, in granting the above application, re-

¹ 5 F.R. 2655.

scinded said action and designated the application for simultaneous hearing with the applications of Broadcasting Corporation of America and Mollin Investment Company, for the following reasons:

1. To determine the legal, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service, technical and program, which the applicant may reasonably be expected to render.

3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with stations as proposed in the applications of Mollin Investment Company (B5-P-2464) and Broadcasting Corporation of America (B5-P-2296) or either of them.

4. To determine whether public interest, convenience and necessity will be served by the granting of this application, the application of Broadcasting Corporation of America, and the application of Mollin Investment Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Riverside Broadcasting Company,
% Richard T. Sampson,
3650 Fairmount Boulevard,
Riverside, California.

Dated at Washington, D. C., August 2, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3227; Filed, August 5, 1940;
10:39 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATE TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF DELAWARE PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Unemployment Compensation Commission of the State of Delaware having duly submitted to the Social Security Board, pursuant to the provisions

of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Delaware Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Delaware.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMAYER,
Chairman.

JULY 23, 1940.

Approved:

PAUL V. McNUTT,
Administrator.

JULY 29, 1940.

[F. R. Doc. 40-3223; Filed, August 5, 1940;
9:36 a. m.]

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF WEST VIRGINIA PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Unemployment Compensation Commission of the State of West Virginia having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the West Virginia Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the

Unemployment Compensation Commission of the State of West Virginia.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMAYER,
Chairman.

JULY 23, 1940.

Approved:

PAUL V. McNUTT,
Administrator.

JULY 29, 1940.

[F. R. Doc. 3224; Filed, August 5, 1940;
9:36 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 46-205]

IN THE MATTER OF CENTRAL & SOUTH WEST UTILITIES COMPANY AND AMERICAN PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1940.

Declarations and applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

IT IS ORDERED that a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 3, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 23, 1940.

The matter concerned herewith is in regard to a proposed consolidation of Central & South West Utilities Company and American Public Service Company, both registered holding companies and subsidiaries of The Middle West Cor-

poration. The plan proposes the issuance of 188,709 shares of 5% \$100 par value Preferred Stock and 1,041,274 shares of \$15 par value common stock by the consolidated corporation. It is contemplated that security holders of Central & South West Utilities Company and American Public Service Company be offered, in exchange for the securities of such companies now held, securities of the proposed consolidated company on the following basis:

Outstanding securities to be dealt with	Shares of consolidated corporation to be issued in exchange	
	Preferred	Common
CENTRAL AND SOUTH WEST UTILITIES COMPANY:		
For each share of \$7 Prior Lien plus accrued dividends to December 31, 1939	1	2.2
For each share of \$6 Prior Lien plus accrued dividends to December 31, 1939	1	1.5
For each share of \$7 Preferred Stock plus accrued dividends to December 31, 1939		4
For each 100 shares of common stock		1
AMERICAN PUBLIC SERVICE COMPANY:		
For each share of 7% Preferred Stock plus accrued dividends to December 31, 1939	¾	2.5
For each 4 shares of Common Stock (applicable only to publicly held shares)		1

The name of the proposed consolidated company will be Central and South West Corporation. All of the assets of Central and South West Utilities Company and American Public Service Company, both of which are registered holding companies, will be transferred to the proposed consolidated corporation.

American Public Service Company is a subsidiary of Central and South West Utilities Company which in turn is a subsidiary of The Middle West Corporation. The Middle West Corporation as of November 30, 1939 was the owner of 53,610 shares or 45.66% of Central and South West Utilities Company's \$7 Prior Lien Preferred Stock, 11,500 shares or 100% of its \$6 Prior Lien Preferred Stock, 73,711 shares or 55.36% of its \$7 Preferred Stock and 2,057,679 shares or 61.04% of its common stock. As of said date The Middle West Corporation owned 36,421 shares or 45.67% of the 7% Preferred Stock of American Public Service Corporation, and Central and South West Utilities Company was the owner of 96,166 shares or 99.72% of the American Public Service Company common stock. The balance of all of such stocks were publicly held as of said date.

On the basis of the proposed offer of exchange, The Middle West Corporation will receive 92,425.75 shares or 48.98% of the Preferred Stock and 541,665.29 shares or 52.02% of the common stock of the consolidated corporation.

Among the questions to be considered at such hearing will be (1) the earnings

of Central and South West Utilities Company and American Public Service Company for a reasonable period of time preceding the filing of the declaration and application involved herein; (2) the earning power of the consolidated corporation; (3) whether the proposed offer of exchange is fair and equitable to the holders of all classes of the securities of Central and South West Utilities Company and American Public Service Company; (4) whether the proposed participation of The Middle West Corporation on the same basis as other stockholders is fair and equitable in view of all the facts and circumstances concerning the acquisition and ownership of the securities of Central and South West Utilities Company and American Public Service Company now held by it; (5) the facts and circumstances concerning the acquisition of such securities by The Middle West Corporation and its predecessors and the facts and circumstances concerning the control over such corporations exercised by The Middle West Corporation; (6) the terms and conditions of the report on such plan of reorganization to be made by the Securities and Exchange Commission; (7) whether all proposed actions to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

The declaration and application recites that sections 6 (a), 7, 9 (a), 10 (a), 11 (g) and 12 (d) of the Act and Rules U-12D-1, U-12F-1, U-12E-3, U-12E-4 and U-12E-5 are applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3230; Filed, August 5, 1940; 11:47 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING PURSUANT TO SECTION 11 (B) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 DISMISSING OR INCLUDING CERTAIN PARTIES AS RESPONDENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1940.

The Commission, on March 4, 1940, having issued a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-captioned matter; and

I

Central Heating Company and Delaware River Improvement Company hav-

ing been named respondents therein; and

The Commission having reason to believe that such companies are now dissolved and are no longer subsidiary companies of The United Gas Improvement Company, and it appearing therefore that such parties should be dismissed as respondents to this action; and

II

It appearing to the Commission that the following named companies are subsidiary companies of said The United Gas Improvement Company and are engaged in the businesses hereinafter described:

(1) The Wyandotte County Gas Company, a corporation organized under the laws of the State of Kansas, is a subsidiary of The United Gas Improvement Company, and owns and operates facilities used for the distribution at retail of natural gas in and around Kansas City, Kansas, and is a gas utility company as defined in said Act.

(2) Manchester Gas Company, a corporation organized under the laws of the State of New Hampshire, is a subsidiary of The United Gas Improvement Company, and owns and operates facilities used for the distribution at retail of manufactured gas in and around the City of Manchester, New Hampshire, and is a gas utility company as defined in the Act.

(3) Home Ice Company, a corporation organized under the laws of the State of Arizona, is a subsidiary of Arizona Ice and Cold Storage Company, Commonwealth Utilities Corporation, and The United Gas Improvement Company, and manufactures and sells ice in said state.

(4) Arctic Ice Company, a corporation organized under the laws of the State of Kentucky, is a subsidiary of Merchants Ice & Cold Storage Company, Commonwealth Utilities Corporation, and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(5) The Connecticut Cable Corporation, a corporation organized under the laws of the State of Connecticut, is a subsidiary of The Connecticut Light and Power Company, and The United Gas Improvement Company, and is an inactive company without assets or earnings.

(6) Arizona Steam Generating Company, a corporation organized under the laws of the State of Arizona, is a subsidiary of The Arizona Power Corporation, Commonwealth Utilities Corporation, and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(7) Prescott Gas & Electric Company, a corporation organized under the laws of the State of Maine, is a subsidiary of The Arizona Power Corporation, Commonwealth Utilities Corporation, and The United Gas Improvement Company, and

is an inactive company owning and holding assets.

(8) Chester, Darby and Philadelphia Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company, and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(9) Chester and Delaware Street Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(10) Chester and Eddystone Street Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(11) Chester and Media Electric Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(12) Chester Street Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(13) Chester Traction Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(14) Union Railway Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Chester Traction Company, Delaware Electric Power Company, and The United Gas Improvement Company, and is an inactive company owning and holding assets.

(15) Southern Pennsylvania Traction Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of Delaware Electric Power Company and The United Gas Improvement Company, and has current assets consisting of accounts receivable.

(16) Conowingo Bridge Company, a corporation organized under the laws of the State of Maryland, is a subsidiary of Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(17) Conowingo Land Company of Cecil County, a corporation organized

under the laws of the State of Maryland, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(18) Howard Improvement Company, a corporation organized under the laws of the State of Maryland, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(19) Proprietors of the Susquehanna Canal, a corporation organized under the laws of the State of Maryland, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(20) Sowego Water and Power Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(21) Susquehanna Electric Power Company, a corporation organized under the laws of the State of Maryland, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

(22) Susquehanna River Power Company, a corporation organized under the laws of the State of Pennsylvania, is a subsidiary of The Susquehanna Power Company, Philadelphia Electric Power Company, Philadelphia Electric Company, and The United Gas Improvement Company, and is an inactive company without assets.

It further appearing to the Commission that said companies are properly parties to said proceeding in that the carrying out of the provisions of said Section of the Act may directly or indirectly affect them thereby, and that, accordingly, said companies should be named respondents therein;

III

Now, therefore, it is ordered, That Central Heating Company and Delaware River Improvement Company be, and they hereby are, dismissed as parties to this proceeding; and

It is further ordered, That said The Wyandotte County Gas Company, Manchester Gas Company, Home Ice Company, Arctic Ice Company, The Connecticut Cable Corporation, Arizona

Steam Generating Company, Prescott Gas & Electric Company, Chester, Darby and Philadelphia Railway Company, Chester and Delaware Street Railway Company, Chester and Eddystone Street Railway Company, Chester and Media Electric Railway Company, Chester Street Railway Company, Chester Traction Company, Union Railway Company, Southern Pennsylvania Traction Company, Conowingo Bridge Company, Conowingo Land Company of Cecil County, Howard Improvement Company, Proprietors of the Susquehanna Canal, Sowego Water and Power Company, Susquehanna Electric Power Company, and Susquehanna River Power Company are hereby made Respondents to the aforesaid proceeding and shall file with the Secretary of the Commission on or before August 19, 1940, their joint or several answers, admitting, denying, or otherwise explaining their respective positions as to the allegations set forth hereinabove. Any such answers may include a statement of the claim of such Respondents, or any of them, as to the action, if any, which is necessary and should be required to be taken by any of such respondents (including the divestment of control, securities or other assets) to limit the operations of each of the registered holding companies, heretofore named in the Commission's order issued March 4, 1940, to a single integrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *
Secretary.

[F. R. Doc. 40-3234; Filed, August 5, 1940;
11:48 a. m.]

[File 59-7]

IN THE MATTER OF CITIES SERVICE POWER
AND LIGHT COMPANY AND ITS SUBSIDIARY
COMPANIES. RESPONDENTS

ORDER OF POSTPONEMENT OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of August, A. D. 1940

Hearing in the above entitled matter having been adjourned by the Trial Examiner on July 25, 1940 until September 9, 1940, and the Respondents having requested on the first day of August 1940, that said adjourned hearing be further postponed to a later date not earlier than October 15, 1940; and

The Commission having examined such request and having considered the public interest and the interest of investors and customers and the issues involved; and

It appearing to the Commission that such adjourned hearing should be post-

poned but to an earlier date than that requested by Respondents;

It is ordered, That the adjourned hearing in the above matter be and the same is hereby postponed until the 23rd day of September 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3232; Filed, August 5, 1940;
11:47 a. m.]

[File No. 70-127]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY; ROANOKE GAS COMPANY

NOTICE REGARDING FILING SUBJECT TO
RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of August, A. D. 1940.

Notice is hereby given that a declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 20, 1940, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Roanoke Gas Company, a subsidiary of Consolidated Electric and Gas Company proposes to convert certain demand notes in the principal amount of \$379,000 heretofore issued by it into common stock of no par value. The proposed transaction includes the following:

(a) The surrender by Consolidated Electric and Gas Company to Roanoke Gas Company of Demand Notes of said Roanoke Gas Company, for cancellation in exchange for 37,900 shares of no par value common stock of Roanoke Gas Company.

(b) The issuance by Roanoke Gas Company of said shares of common stock.

(c) The acquisition of said shares of common stock by Consolidated Electric and Gas Company in exchange for said notes.

(d) The acquisition and retirement by Roanoke Gas Company of said notes.

(e) The pledge by Consolidated Electric and Gas Company of said shares of common stock with the City National Bank and Trust Company of Chicago, Trustee under Indenture dated March 1, 1926, securing First Lien Collateral Trust 6% Sinking Fund Bonds, due December 1, 1946, of Central Gas and Electric Company (assumed by Consolidated Electric and Gas Company) in substitution for said notes.

The parties above named have designated Sections 6 (b), 10 (a), 12 (c) and 12 (d) of the Act as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3231; Filed, August 5, 1940;
11:47 a. m.]

[File No. 70-128]

IN THE MATTER OF THE ISLANDS GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING SUBJECT TO
RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than August 20, 1940 at 4:30 p. m., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Islands Gas and Electric Company, a subsidiary of Consolidated Electric and Gas Company, a registered holding company, has filed a declaration pursuant to Section 7 of said Act with regard to the exercise of a privilege or right to alter the priorities, prefer-

ences, voting power or any other right of the holders of its outstanding 25-Year 5½% Sinking Fund Secured Gold Bonds, Series A, due March 1, 1953, (issued by it under the name of The Islands Edison Company) as may be necessary or appropriate in order to effect modification or amendment of the Indenture under which said bonds are issued, so that such Indenture will permit thereafter the creation by Manila Gas Corporation, a subsidiary of The Islands Gas and Electric Company, and the issuance and sale by it to the public of its mortgage bonds, or other evidence of indebtedness, free from any requirement that the same be acquired by The Islands Gas and Electric Company and pledged under any indenture securing its outstanding obligations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3233; Filed, August 5, 1940;
11:47 a. m.]

UNITED STATES CIVIL SERVICE
COMMISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS WEDNESDAY, JULY
31, 1940

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands.....	10	0
2. Puerto Rico.....	674	46
3. Hawaii.....	161	17
4. Alaska.....	26	9
5. California.....	2,479	891
6. Texas.....	2,544	1,054
7. Louisiana.....	918	437
8. Michigan.....	2,115	1,039
9. Arizona.....	190	98
10. South Carolina.....	759	424
11. Mississippi.....	878	526
12. New Jersey.....	1,765	1,076
13. Alabama.....	1,156	710
14. Arkansas.....	810	499

State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1940
IN ARREARS—Continued			IN EXCESS			
15. Ohio.....	2,903	1,795	35. West Virginia.....	755	758	+11
16. Georgia.....	1,270	808	36. Rhode Island.....	300	303	+3
17. Kentucky.....	1,142	745	37. Kansas.....	821	833	+12
18. Oklahoma.....	1,046	695	38. Massachusetts.....	1,856	1,894	+38
19. North Carolina.....	1,384	939	39. Pennsylvania.....	4,206	4,310	+104
20. New Mexico.....	185	127	40. New York.....	5,497	5,648	+151
21. Tennessee.....	1,143	869	41. Missouri.....	1,585	1,638	+53
22. Nevada.....	40	32	42. Utah.....	222	230	+8
23. Illinois.....	3,332	2,684	43. Wyoming.....	98	102	+4
24. Wisconsin.....	1,283	1,084	44. Washington.....	683	711	+28
25. Indiana.....	1,414	1,243	45. Minnesota.....	1,120	1,183	+63
26. Connecticut.....	702	642	46. Montana.....	235	250	+15
27. Florida.....	641	594	47. Iowa.....	1,079	1,171	+92
28. Vermont.....	157	147	48. South Dakota.....	303	331	+28
29. Delaware.....	104	99	49. Colorado.....	452	500	+48
30. Idaho.....	194	187	50. Nebraska.....	602	768	+166
31. Oregon.....	416	405	51. Virginia.....	1,058	2,073	+1,015
32. Maine.....	348	346	52. Maryland.....	712	2,150	+1,438
33. New Hampshire.....	203	202	53. District of Columbia.....	213	8,869	+8,656
34. North Dakota.....	297	296				

GAINS

By appointment.....	718
By transfer.....	19
By reinstatement.....	1
By correction.....	2
Total.....	740

LOSSES

By separation.....	53
By transfer.....	30
Total.....	83
Total appointments.....	51,487

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,943.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and
Chief Examiner.

[F. R. Doc. 40-3212; Filed, August 3, 1940;
9:18 a. m.]

